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WORLD-POLITICS.

BERLIN: WASHINGTON.

BERLIN, *January, 1907.*

THE electoral campaign, of which the result will be proclaimed from the polling-booths a few days after the publication of these pages, marks the beginning of a new era in the political history of the German Empire. It is the opening phase of a long-delayed struggle between the supporters of the personal régime and those of representative government. That struggle has been rendered inevitable by the character of the present Emperor. When, some weeks before the dissolution of the Reichstag, Prince von Bülow challenged the deputies to quote a single instance in which the Emperor had violated the Constitution, he was answered with a burst of mocking laughter. Yet it was impossible to refute the contention. The Emperor has, indeed, kept within the letter of the Imperial Constitution. But he has transgressed its spirit. Had he not done so, there would have been little disposition to cavil at Prince von Bülow's affirmation that the office and functions of the Chancellor furnished the most absolute guarantees against any violation of the Constitution by the monarch. It is, however, precisely in his relations to the successive Chancellors of the Empire that the Emperor William II has acted in flagrant opposition not to the letter, but to the spirit of the Constitution. For he has reduced the office of Chancellor to insignificance. And however much Prince von Bülow may boast that he has brought the actions of the Emperor into conformity with the law, by means of his "authentic interpretations" of them, the fact remains that as Chancellor he is merely the diplomatic secretary of his master, who too frequently disdains to avail himself of his services. It is true that the Prince, in a passage that requires much reading between the lines, hinted to the Reichstag that

there was a limit to his subservience to the autocratic eccentricities of the Emperor; but, even if that problematical limit were far less remote than appears to be the case, the argument would lose none of its force that a Chancellor, dependent for his office upon the royal will, constitutes but a frail safeguard against any breaches of the Constitution by the monarch. So far, the history of the German Empire has not produced a single Chancellor who has demonstrated his independence of mind by resigning of his own accord. Bismarck and every one of his successors have clung to office until they were virtually dismissed. They have chosen to consider themselves the servants, not of the people, but of the Emperor, and have in too many instances prostituted their exalted office to his caprices. Not without justice, therefore, did a great Liberal organ reply to Prince von Bülow's speech with the trenchant observation that the office of Chancellor could never be regarded as a bulwark of the liberties of the people until Chancellors should have learned how and when to resign.

Two decades ago, few people, outside the ranks of the Social Democrats and the extreme Radicals, would have disputed the contention of the Chancellor that Germans expect their monarch to be a man of powerful volition and initiative, and not a mere constitutional puppet. Now, however, it is generally admitted that the present Emperor has cured the nation of its taste for "individuality" in its sovereigns. For William II has obtruded his individuality into every department of the national life with a persistency which, it is felt, has become intolerable. In questions of art, religion, science, sport and politics he has paraded his views and exploited his prerogatives, with a pompous display of superficial knowledge which has alienated the sympathies, and set on edge the nerves of almost the entire people. At first the hypnotized belief of the public in his abilities, and in his apparently phenomenal powers of work, rescued him from general criticism. But, in recent years, and more especially in recent months, faith both in his capacities and in his industry has been converted into frank scepticism. It is in vain that the Emperor inveighs against the spirit of pessimism that is abroad in the land. In rank mutiny, his mentors admit the correctness of his affirmation that the material prospects of the Empire were never brighter than they are to-day, and that any other country, blessed with similar prospects, would be inspired by feelings of the ut-

most elation. Most true, say the critics; but, unfortunately, this brilliant economical outlook does not justify Germans in anticipating their future with confidence, because that future is jeopardized by the individuality and the impetuous blunders of their present monarch. William II, in fact, is himself the cause, so his mentors inform him, of the pessimism which to-day afflicts, as with a fell disease, the educated classes of the Empire.

So wide-spread is the discontent with the monarch that His Majesty has felt it incumbent on himself to speak in his own defence. He has been especially piqued by the observation, attributed by the late Prince Hohenlohe in his historical memoirs to the Empress Frederick, that her son wasted far too much of his time and money in satisfying his passion for travelling. To this palpable hit the monarch has replied in the form of a published conversation with Dr. Ganghofer, the Bavarian poet, and in that dialogue he describes himself as an inveterate worker, who seeks relief from the almost intolerable burden of his exalted duties by frequent indulgence in changes of scene. In this way, so the Emperor remarks, it becomes possible for him to obtain, at one and the same time, recreation and first-hand information regarding the different quarters of the Empire. His only regret, according to his own version, is that his journeyings cannot be conducted without pomp and circumstance. The Emperor's defence has not been favorably, or even respectfully, received by the public. One Radical journal, after recounting the vast sums squandered by various corporations in entertaining him, suggests that he might, if he wished, obtain a more accurate view of the condition of his subjects by travelling *incognito*, as do other princes and monarchs. As to the Emperor's devotion to the gospel of work, that, as Kipling would say, is another tale. It is a tale, unfortunately, in which the nation refuses any longer to believe. It used to be credited, but the popular mind is now filled with insidious rumors, which no amount of protestation by His Majesty can dissipate, that His Majesty is more addicted to pleasure than to duty, and that it is with the utmost difficulty that Prince von Bülow and the Secretaries of State can ever induce him to attend to public business. Why, the public with many mysterious nods inquires, does Herr von Lucanus defy the growing infirmities of his old age in order to retain his position as Chief of the Imperial Cabinet? The answer is that he does

so from patriotic motives which are appreciated by none more than by the Chancellor; that Herr von Lucanus, knowing the psychology of His Majesty better than any other living man, is able to watch for the rare moments in which the Kaiser can be induced to attend to the business of state. Those moments he deftly exploits by suddenly placing before the monarch's eye some document or bill requiring immediate attention, and so unerring is his judgment in this particular that the veteran courtier seldom fails in his object and in satisfying the requirements of the statesmen of Germany.

Many of these characteristic stories of Berlin Court life, which have long circulated among the initiated, are the subject of guarded references in a remarkable book, published just before the dissolution of the Reichstag, under the title "Our Emperor and his People: German Anxieties." The writer, who undoubtedly is a man of position having access to the intimacies of Court and official life, has made a profound study of the character of the Emperor, and he acquaints the nation with some very significant conclusions to be drawn from his observations. He delineates the monarch as a man who is haunted by the ambition to appear omniscient, and to impress his personality upon all with whom he comes into personal contact. This ambition, which is inflated by an overweening sense of his "divine rights," leads the Emperor deliberately to discard the cloak of ministerial authority and to assume personal responsibility before the world for the policy of the Empire in all its ramifications. But while it stimulates him to interfere perpetually with the course of public business, it is impotent to overcome his dislike, and even hatred, of the dry details of administration. The consequence is that, despite his extraordinary powers of rapidly assimilating information, the Emperor is rarely if ever correctly informed upon any question. He unconsciously imbibes the prejudices and predilections of his courtiers, and rejects the systematized knowledge of his statesmen. Rarely, says our author, are the official advisers of the Emperor able to communicate their views to him, for he invariably cuts short their expositions in order that he may lecture them at length on their own specialty. The Emperor, in fact, is an eloquent talker, but a most indifferent listener; and his sense of omniscience fans his passion for suddenly soaring away from the region of details into the empyrean of delectable

generalities. To this passion Prince von Bülow makes constant concessions. He has reduced to a fine art the task of preparing witty summaries of fact, which it is essential the monarch should know, and of adorning those facts with appropriate literary and philosophical allusions. In this way he has established a greater ascendancy than any of his predecessors over the affections and mind of the Emperor. But, dexterously as he handles the monarch, even Prince von Bülow is never secure from disagreeable surprises in the shape of occasional Imperial actions undertaken at the inspiration of a sudden impulse, or as the result of suggestions skilfully thrown out by members of the Court Cabal, to serve special ends and with the object of humiliating the Chancellor and flattering the Emperor by exhibiting him as his own Chancellor and as the head and fount of German policy.

In every department of the national life the Emperor sporadically intervenes with capricious displays of his power. He sends messages to school-teachers commanding them to grant a holiday to their scholars; despatches a regiment of cavalry to a previously ungarrisoned town in order that a promise made to a deputation of young ladies may be fulfilled; denounces leading dignitaries of the Lutheran Church or distinguished artists whose politics, theology or pictures fail to conform to his taste; and generally comport himself in a way that renders explicable the unique success which attended the exploits carried out in the Imperial name by the "Captain of Koepenick." His love of display, as the author of "German Anxieties" points out, has banished from the army and the Bureaucracy the traditional Spartan spirit. Officials are now no longer content to work for the satisfaction of their own immediate superiors; they have their eyes constantly fixed upon the Emperor, and indulge in every manner of intrigue in the hope of attracting to their persons the notice of the monarch.

The Colonial Department has been affected to a notorious degree by this spirit of Byzantinism. A peculiar significance consequently attaches to the fact that the Reichstag has joined issue with the Imperial Government on a colonial question. For the German Protectorates, more than any other province of the administration, are the children of Imperial Autocracy. They are governed by Imperial decree; by Imperial decree their laws and by-laws are promulgated, and their Governors are appointed by

virtue of the Imperial prerogative. The Reichstag, in fact, has no other function than the modest one of voting ever-increasing funds for their up-keep. Should the Government be defeated, what will it do? Will it flout the decision of the electorate by dissolving the Reichstag a second time? There are many influential personages in the vicinity of the Emperor who would like nothing better than to see him execute a *coup d'état* by abolishing the system of universal manhood suffrage which obtains in all elections to the Imperial Diet. That, however, would be an extremely dangerous experiment, and one that the Emperor has declined to sanction in previous electoral crises. Those who know His Majesty best predict that he will give vent to his anger rather in words than in deeds, and that the new Reichstag, when it assembles, will find itself confronted with a situation in regard to Southwest Africa ideally suited to a compromise. In other words, the Hottentot war will be declared at an end, a large portion of the troops will be recalled, and the deputies will be able with a clear conscience to vote the supplies necessary to bring them home. They will in this way have won a victory, which the Government may deny, for the authority of Parliament. And the fight thus begun may be continued, through many compromises, to an ultimate issue in favor of representative institutions.

WASHINGTON, *January, 1907.*

SINCE the reassembling of Congress for the post-holiday session, the principal topic of discussion in the Federal capital has been the Brownsville affair, of which the latest phase is the President's avowal in a special message that, when in his order disbanding three companies of colored soldiers he undertook to debar them from subsequent employment in the civil service, he exceeded the limits of his constitutional authority. So far as the rest of the order is concerned, Mr. Roosevelt reiterates his belief that he did not transcend the powers vested in him by the Federal organic law. Not a few judges and eminent lawyers, however, concur with Senator Foraker in thinking that the President has no constitutional right to discharge "without honor" a soldier who has not been tried and convicted of an offence specified in the military code. It is by no means impossible that the Senate may ultimately express such an opinion in the form of a resolution. Mr. Roosevelt has said, however, that, even if a joint resolution de-

nouncing his order of dismissal as unconstitutional should be passed by both Houses, he would refuse to sign it, and, in the improbable event of its being passed over his veto by a two-thirds rule, he would decline to obey it, until the United States Supreme Court should have approved the judgment of Congress. This is the first time in American history that an American President has made such a declaration, much less lived up to it. During the Reconstruction period, bill after bill was vetoed by Andrew Johnson; but, after a bill had been passed over his veto, and had thus become a law, he did not challenge its authority, or venture to suspend the execution of it until it should have been sanctioned by the highest Federal tribunal. There is no doubt that a bill passed by a two-thirds vote over a veto is from that moment a law, and remains so until it has been set aside as unconstitutional by the United States Supreme Court. During the interval, the President is bound by his oath to obey it. Yet Mr. Roosevelt asserts that, by virtue of his executive authority, he would suspend it. There is no warrant in the Constitution for the assertion of such authority, and we cannot believe that such expert lawyers as Secretary Root and Secretary Taft would uphold the threatened usurpation.

Andrew Jackson is, so far, the only President who has left the Presidential office more influential and popular than when he entered it. That Mr. Roosevelt's career would resemble Jackson's in this respect seemed probable six months ago, but no one who listens to the private conversation of public men in Washington would now pronounce it probable. The discussion provoked by the President's treatment of the Brownsville incident has caused observers to recall and review other acts of his which have evinced an arbitrary spirit and a lax conception of executive authority. Where, it is asked, did Mr. Roosevelt find a constitutional warrant for his appointment of the Anthracite Coal-Strike Commission? It is true that Congress practically acknowledged the constitutionality of that proceeding by appropriating a sum of money for the payment of the Commissioners. Could an appropriation for a similar purpose be secured to-day? Another question which is often put is, Did not the President violate the sixth clause of the first section of the second Article of the Constitution when he departed on a voyage to the Isthmus of Panama, without recognizing his inability to discharge during his absence

from the country the powers and duties of his office, and without calling upon the Vice-President to assume his office *ad interim*? Another inquiry which one hears in private conversation, though it has not yet been made in either Chamber of the Federal Legislature, is, Can Mr. Roosevelt's acceptance of the Nobel prize, which was awarded to him by the Norwegian Storthing, be reconciled with the eighth clause of the ninth section of the first Article of the Constitution, the clause declaring that "no person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince or foreign state." Another query is propounded: Where did Mr. Roosevelt find constitutional warrant for his threat to use the military force of the United States to secure for Japanese pupils admission to any of the San Francisco public schools that they might desire to attend? If there is any power not delegated to the United States by the Constitution nor prohibited by it to the States, but reserved to the States respectively, or to the people considered as a whole, it certainly is the power to regulate public education. The President and his friends contend, we understand, that the segregation of Japanese pupils in San Francisco under a California law is a violation of the treaty between Japan and the United States, whereby we assured to the Mikado's subjects all the privileges conceded to the "most favored nation." That treaty, they say, is made the supreme law of the land, by the second section of the sixth Article of the Constitution, and the judges in every State are bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. But what are the specific words of the Constitution? They are that "All treaties made or which shall be made, *under the authority of the United States*, shall be the supreme law of the land." Where are the limitations of "the authority of the United States" defined? In our Federal Constitution itself, and especially in the Tenth Amendment. There are many who think that our Federal Executive has no right so to frame or interpret a treaty as to infringe upon powers reserved to the several States.

When the various assumptions of authority to which we have here referred are brought together and surveyed collectively, they are seen to compose a record which even those most ready to recognize the fine traits which Mr. Roosevelt possesses can hardly

help regarding with some misgiving and dismay. On the whole, the truest and wisest friends of the present Chief Magistrate must, in their hearts, acknowledge that it may prove just as well for the country, and for Mr. Roosevelt himself, that, owing to his own exemplary act of abnegation, it is settled that his term of office will come to an end on March 4th, 1909.

Another subject which has been discussed with a good deal of interest during and since the holidays is the question mooted in the December number of this REVIEW, the question whether, in the event of a war between Japan and the United States, England would side with the former Power. Would the Anglo-Japanese Treaty of Alliance require the British Government to pursue such a course? Arguments *pro* and *con* have been advanced. On the one hand, it is pointed out that the preamble seems to narrow the operation of the treaty to the maintenance of the rights of the signatories *in Asia*, but this objection is met by recalling the rule followed in the interpretation of treaties, the rule, namely, that, where a preamble seems inconsistent with, or narrower than, the declaratory articles which follow, the latter must control the construers of the document. Now, the second article of the Anglo-Japanese Treaty provides that, "Should either of the high contracting parties be involved in war in defence of its territorial rights, or *special interests*, the other party shall at once come to the assistance of its ally." It will scarcely be asserted that the upholding of the treaty rights of her citizens would not be looked upon by Japan as one of her "*special interests*." There could be no doubt about the matter, if the violation of the treaty rights whereof Japan complained had been committed, not in San Francisco, but in Manila. Some of those who have written on the subject say that the British people would never permit its Government to take part in a contest waged by an alien race against their kinsmen beyond sea. The London "Standard," however, denies that under any circumstances would the British nation repudiate a treaty, no matter how repugnant might be the obligations imposed, or how possibly disastrous to Britain herself might be a faithful compliance with them. The general disposition of Englishmen is to dismiss the question as academic, and to declare that the supposed contingency of a war between Japan and the United States will never occur.